

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PAUL SAMUEL JOHNSON,

Plaintiff,

v.

THE CITY OF SANTA ROSA, et al.,

Defendants.

Case No.: 12-1409 CW (PR)

ORDER OF DISMISSAL WITHOUT
PREJUDICE

Plaintiff filed the present pro se civil rights action and an application seeking leave to proceed in forma pauperis (IFP) when he was incarcerated at the California State Prison - Solano. On November 29, 2012, the Court dismissed the complaint with leave to amend and granted Plaintiff leave to proceed IFP. Docket nos. 11 & 12. In so doing, however, the Court did not take into account the fact that Plaintiff no longer is incarcerated and, therefore, the court's financial office will be unable to collect the funds from his prisoner trust account as required under 28 U.S.C. § 1915(b).

Consequently, by order dated December 3, 2012, the Court vacated its prior order granting Plaintiff leave to proceed IFP and informed him that, because he has been released from custody, he now must apply to proceed IFP under the general provisions of 28 U.S.C. § 1915(a)(1) or he must pay the \$350.00 filing fee. The Court ordered Plaintiff to pay the fee or submit a completed non-prisoner IFP application no later than fourteen days from the date of the order. The Court informed Plaintiff that if he failed to

1 comply with the order, the case would be dismissed without
2 prejudice. The Clerk of the Court sent Plaintiff a blank non-
3 prisoner IFP application with the order.

4 More than fourteen days have passed since the Court's order
5 issued and Plaintiff has not complied with the order or otherwise
6 communicated with the Court.

7 Accordingly, this case is hereby DISMISSED without prejudice.
8 The Clerk shall enter judgment and close the file.

9 IT IS SO ORDERED.

10 Dated: 12/27/2012



11 CLAUDIA WILKEN
12 UNITED STATES DISTRICT JUDGE
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